



# **Relocation Guidelines**

Uniform Act (URA) and Section  
104(d)

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## Introduction

This document combines guidance on two federal rules governing displacement. Federal funds, administered by Texas General Land Office (GLO) and disbursed by contract to Subrecipients, subject those organizations to the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended (Uniform Act or URA) and/or Section 104(d) of the Housing and Community Development Act of 1974. The applicable federal regulations are located at [49 CFR Part 24](#) (URA), [24 CFR Part 42](#) (Section 104(d)), and in the Real Estate Acquisition and Relocation Policy and Guidance Handbook ([HUD Handbook 1378](#)).

The Uniform Act establishes minimum standards for all federally-funded projects that acquire property or displace persons from their homes, businesses or farms. Section 104(d) requires relocation assistance for lower-income individuals displaced as a result of the demolition or conversion of a lower-income dwelling and requires one-for-one replacement of lower-income units demolished or converted to other uses. Subrecipients or project owners must provide the following benefits to households that they displace:

- Relocation advisory services;
- A minimum of 90 days notice to vacate;
- Reimbursement for moving expenses; and
- Payments for the added cost of renting or purchasing comparable replacement housing.

GLO programs subject to the Uniform Act and Section 104(d) includes the Community Development Block Program (CDBG) programs.

GLO rules, Notices of Funding Availability (NOFAs), applicant certifications and/or written agreements for funds subject to the Uniform Act and Section 104(d) shall refer to federal and state rules, as appropriate.

## Section 414 of the Stafford Act

Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act essentially provides that persons displaced by Presidentially-declared disasters are to be treated as displaced by federal or federally-funded action for purposes of eligibility to receive relocation assistance under the URA. The import of this for Round 1 of the Texas CDBG-DR program was that before subrecipients could demolish, rehabilitate or reconstruct program-funded housing projects, they were required to seek former occupants who were absent because of Hurricane Dolly or Hurricane Ike and provide the required assistance.

This is no longer the case for Round 2, as Texas has obtained a waiver of Section 414 from the United States Department of Housing and Urban Development (HUD). Specifically, for Dolly-related projects commenced on or after July 24, 2011, and for Ike-related projects commenced on or after September 14, 2011, absent former project occupants who left because of the storms are not entitled to URA assistance, and subrecipients need not look for them. Those who remained on the property after the storms, and who are displaced by program-funded demolition, rehabilitation, and/or reconstruction, of course remain eligible for URA assistance as set forth in these Relocation Guidelines.

## Definitions

The following words and terms used in the GLO Relocation Guidelines have the following meanings unless the context indicates otherwise. Other definitions appear in 49 CFR Part 24, 24 CFR Part 42, and HUD Handbook 1378.

- (a) Agreement: Commitment of funds from GLO executed by Development Owner (Subrecipient) and GLO.
- (b) Decent, Safe and Sanitary: GLO follows a minimum standard of Decent, Safe, and Sanitary (DSS) replacement Housing. The DSS standard follows these criteria:
  - (i) Conforms to all local housing and occupancy codes;
  - (ii) The number of rooms and size of living space adequately accommodates the displaced household. Persons per bedroom shall follow local housing codes;
  - (iii) Structural soundness, weather tightness, and in good repair;
  - (iv) Heating, ventilation, and air conditioning (HVAC) system can maintain 70°F in living area;
  - (v) Has an adequate, safe electrical wiring system;
  - (vi) Bathroom facilities, dedicated to only one dwelling (private), have adequate lighting, ventilation, sink, bathtub/shower (with hot/cold water), toilet and sewer connection, all in working order;
  - (vii) Kitchen facilities conform to DSS standards (hot/cold water to sink, connected to sewer, range/refrigeration space & utility connection, all in working order), or, in the instance of temporary relocation not to exceed 30 days, (unless the GLO grants a waiver) per diem for meals in accordance with GLO policy;
  - (viii) Access and egress to safe, open space unobstructed and adequate at ground level; and
  - (ix) Accommodates disabled persons, if applicable, or, prior to occupancy, owner promises to eliminate barriers to ingress, egress, or use of property, as required by law, to accommodate a person with a disability.
- (c) Low Income Household:
  - (i) Under URA (49 CFR 24.2(a)(14)), a low-income household earns 80% or less of the Area Uniform Relocation Act Income Limits, as defined by the Department of Transportation, for the county in which they reside. This definition includes total gross income received for a 12 month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full time students under 18 years of age.

- (ii) Under Section 104(d), a low-income household, according to 24 CFR Part 5, earns 80% or less than the Area Median Household Income, as defined by HUD, for the county in which they reside.
- (d) Subrecipient of Funds: Development Owner, Developer or Subrecipient who received funds, under contract from GLO, for acquisition and rehabilitation, reconstruction, or conversion of residential housing units.
- (e) Vacant Occupiable: GLO uses the definition in 49 CFR Part 24 for projects covered by both URA and Section 104(d). This includes a vacant dwelling unit in a standard condition; a vacant dwelling unit deemed substandard but suitable for rehabilitation; or a dwelling unit in any condition, occupied (except by a squatter) at any time within 90 days before the Recipient executes the agreement to rehabilitate or demolish.
- (f) Economic Displacement: CDBG uses the definition in [24 CFR 570.606\(b\)\(2\)\(D\)\(1\)](#) for projects covered by both URA and Section 104(d). If a tenant cannot afford to pay the higher rent imposed after rehabilitation, and must permanently move out, the program deems that tenant economically displaced and entitles them to receive permanent relocation assistance.

## Relocation Policies and Procedures

### 1. *Application Requirements*

GLO recommends that applicants create a plan to ensure compliance with all relocation procedures and notice requirements. [The Relocation Timeline](#) broadly outlines the sequence of events. The applicant must submit the [Relocation and Acquisition Disclosure to the Seller with a Voluntary Arms Length Purchase Agreement](#), if applicable, with the application for federal funds covered by URA or 104(d). The applicant must distribute the [General Information Notice](#) (GIN), and document delivery to all affected occupants, prior to submission of an application to GLO for funding. The application package must contain a Certification of GIN distribution, with documentation verifying tenant receipt

The application must include a reasonable relocation budget. The GLO form, [Total Relocation Budget Worksheet](#), helps the applicant determine reasonable costs for temporary or permanent moving and displacement.

Applicants must minimize direct and indirect displacement by sequencing construction activities to allow tenants to remain in their homes as long as possible. Sequencing may involve rehabilitating empty units or buildings first. Where feasible, the project owner may choose to rehabilitate, rather than demolish units, to avoid displacement.

Applicants must issue a [Move-In Notice](#) to any tenants moving in to the subject property after the distribution of the GIN. The Move-In Notice informs potential tenants that they will not qualify for relocation assistance; the project may temporarily or permanently displace them; and their rent may increase.

Project owners and Subrecipients must make reasonable accommodations to allow tenants access to all legal rights and benefits in the relocation process. Owners (Subrecipients) must inform tenants of the availability of accessible housing and must provide necessary language assistance for persons with limited English proficiency, including auxiliary aides, written translation, oral interpretation, or other assistance when necessary to ensure the provision of legal rights.

## *2. Household Needs Assessment*

The Subrecipient of federal funds through GLO bears responsibility for assessing each household's need for relocation assistance. When assessing household need, the Subrecipient confirms each household's benefit eligibility and ability to return to the property. The Subrecipient identifies displaced and non-displaced households and calculates the total amount of assistance for each. The [GLO Household Relocation Assistance Budget Calculator](#) will calculate eligible assistance for each household. HUD categorizes tenants as "permanently displaced" persons, possibly eligible to receive relocation assistance, even after project completion, when they vacate without receipt of required relocation notifications.

## *3. Initiation of Negotiations (ION) Date*

A tenant's eligibility for relocation assistance, including moving costs and a replacement housing payment, begins with the ION date. HUD regulations specify ION for each program (see below). The ION date triggers issuance of either Notice of Eligibility for Relocation Assistance or Notice of Non-displacement.

- For CDBG see 24 CFR 570.606(b)(3): "...if the displacement is the result of privately undertaken rehabilitation, demolition, or acquisition...the **execution of the grant or loan** agreement between the grantee (or State or state Recipient, as applicable) and the person owning or controlling the real property."

The Subrecipient must distribute the [Notice of Non-displacement](#) (NND) or [Notice of Eligibility](#) (NOE), as applicable, before or by the ION date. At ION, Subrecipient must provide to GLO the following items:

(a) Relocation Plan that:

- Explains specific impacts for each affected tenant.
- Identifies Relocation Coordinator and/or individual(s) who will gather household data, prepare relocation notices, process payments, etc.
- Categorizes household income and number of occupants.
- Identifies a date for each tenant to temporarily or permanently vacate their unit and a date for re-occupancy.
- Identifies date of delivery of 90 Day Notice and 30 Day Notice, if applicable.
- Locates temporary and/or permanent comparable replacement units and describes strategies for tenants to secure temporary housing.
- Estimates and itemizes all eligible and reasonable relocation costs.

- (b) Total Relocation Budget Calculations;
- (c) [URA Rent Roll with Relocation Benchmarks](#) containing data for all tenants as of the application submission date;
- (d) Copy of the NND and NOE issued, with confirmation receipt for each tenant; and
- (e) Household Relocation Assistance Budget Calculations for each displaced tenant household, temporary or permanent.

#### 4. Temporary Relocation Tenants

The Subrecipient must provide temporary relocation assistance to non-displaced households (households not permanently displaced) when they must vacate their unit during rehabilitation or reconstruction. Temporary housing units must meet the definition of [Decent, Safe and Sanitary](#) (DSS) housing. The law entitles households temporarily displaced to receive reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. Reimbursable expenses include the cost of moving to and from the temporary home and any increase in monthly rent or utility costs incurred while living in the temporary unit. If anticipating temporary relocation, the Subrecipient must submit a budget which includes expected moving expenses, utility connection fees at both temporary housing and at the new permanent unit, and increases in household's rent and utility payments during temporary displacement. A 30 day vacate notice to tenants may be permitted if Subrecipient has dutifully informed tenants of relocation rights and provision of temporary relocation assistance costs.

If temporary relocation might last less than 30 days, the household may stay in a hotel, if functionally equivalent to the vacated unit. For example, if the household occupied three bedrooms in one unit, the Subrecipient must provide three hotel rooms or an extended-stay suite capable of meeting those household needs. If the hotel lacks kitchen facilities that conform to decent, safe and sanitary (DSS) standards, the Subrecipient must provide a per-diem meal allowance for each household member. GLO Subrecipients should use the following per-diem schedule, based on guidance from the Texas Comptroller of Public Accounts:

Household Member	Breakfast	Lunch	Dinner
Adult or Child 12 or older	\$8.00 per day	\$12.00 per day	\$16.00 per day
Child under the age of 12	\$6.00 per day	\$8.00 per day	\$10.00 per day

Subrecipients may use the Household Relocation Assistance Budget Calculator to estimate temporary relocation costs. GLO allows only reasonable and documented costs for temporary relocation. Subrecipients must submit to GLO evidence of all costs upon request for their reimbursement.

When selecting comparable units for the purposes of creating a budget, the Subrecipient may utilize [HUD Form 40061](#): Selection of Most Representative Comparable Replacement Dwelling for

## Purposes of Computing a Housing Relocation Payment.

A household residing in a temporary unit for more than 12 months becomes permanently displaced and may be eligible for permanent relocation assistance. Households lose their displaced status and eligibility for permanent relocation payments if they move following documented lease violations and/or eviction due to cause. A voluntarily move, after receiving the GIN and NND, renders a tenant ineligible to receive permanent relocation.

## 5. *Permanent Relocation*

The Subrecipient must meet all requirements of HUD Handbook 1378 to comply with legal protections for permanently displaced households. Displaced households qualify for reimbursement, either on a fixed schedule or based on actual costs related to moving. A household may qualify for either rental assistance payments or, if the displaced resident chooses to purchase a home, a lump sum for down payment assistance may be provided. The Subrecipient cannot pay relocation assistance for a unit that does not meet the definition of decent, safe and sanitary (DSS) housing, whether the household rents or purchases.

The Subrecipient anticipating relocation of a tenant must submit a budget which includes expected moving expenses, utility connection fees, allowable security and utility deposits and housing assistance payments. The Subrecipient may use the Household Relocation Assistance Budget Calculator to determine amounts budgeted for each displaced household.

When creating a budget, the Subrecipient may use [HUD Form 40061](#): Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Housing Relocation Payment. For a minority household, the Subrecipient must offer at least one comparable unit in a non-minority-concentrated area.

Vouchers issued as relocation assistance must adhere to the URA and Section 104(d) mandates. The replacement unit must pass the applicable HUD-required inspection instead of DSS.

Economic displacement refers to tenants who move permanently from a CDBG funded project after rehabilitation because they cannot afford the increased rent. This status entitles them to receive permanent displacement assistance under URA and Section 104(d).

## 6. *Claims for Reimbursement*

Reimbursement for moving expenses requires households to submit [HUD Form 40054](#): Residential Claim for Moving and Related Expenses to the Subrecipient. The Subrecipient provides the blank form, with the NOE or [90-day notice](#), to the household prior to temporary or permanent relocation. The Subrecipient submits completed forms to GLO to request reimbursement.

Reimbursement for temporary relocation expenses requires households to submit [HUD Form 40030](#): Claim for Temporary Relocation Expenses. The Subrecipient provides this form, with the 90-day notice, to the household prior to temporary relocation. The Subrecipient submits completed forms to GLO for reimbursement. The Subrecipient must inspect and certify that the unit meets DSS standards prior to

payment. The recipient must fully execute the DSS Inspection Form.

Reimbursement for housing expenses requires displaced households to submit [HUD Form 40058](#): Claim for Rental Assistance or Down payment Assistance or [HUD Form 40072](#): Claim for Rental or Purchase Assistance (Section 104[d]). The Subrecipient provides this form, with the 90-day notice, to the household prior to displacement. The Subrecipient submits completed forms to GLO for reimbursement.

Households have 18 months from the date of displacement to file a claim for relocation assistance and secure DSS housing. Federal regulations define the 18 month threshold as 12 months from displacement and 6 months to secure a DSS unit. GLO may, on a case-by-case basis, for good cause, extend the time limit for filing of a claim or occupying a replacement dwelling.

The Subrecipient must inspect and certify that the unit meets DSS housing standards prior to issuing payment. If the unit does not meet DSS standards, the Subrecipient should amend the budget to cover compliance costs to meet DSS standards. The Subrecipient must fully execute the DSS Inspection Form for each dwelling unit.

The Subrecipient must pay claims in a timely manner. For permanent relocation, Subrecipients should issue rental assistance payments in at least three (3) installments over the 42 or 60 month period. Subrecipients may pay a lump sum for moving expenses or down payment on a DSS replacement home purchase.

## *7. Appeal Rights of Tenants*

Federal law gives the tenant a right to appeal to GLO if they disagree with the displaced person designation, the amount of relocation assistance proposed, or the comparability of the replacement dwelling. The Subrecipient must inform the tenant of their rights to appeal and provide the appropriate procedures and contact information. The Subrecipient shall assist the low-income tenant and/or one who requires assistance to prepare an appeal, or refer the tenant to an appropriate third party who will provide such assistance at no cost.

## *8. Recordkeeping*

Recipients must maintain all records associated with relocation assistance, see HUD Guidelines 1378 for more information. Relocation files should include the following documentation:

- Relocation File: (overall and individual) items such as the relocation plan, documentation of relocation budget.
- List of Occupants: name, address, and occupant characteristics for all persons occupying the property at key relocation milestones (rent roll).
- Persons Not Displaced: copies of notices; evidence of delivery of notices; evidence of reimbursement of expenses; for tenants who elect to relocate, documentation supporting ineligibility for relocation payments as a displaced person; documentation to support lease violations and/or eviction for cause; documentation to determine illegal occupancy of the property; and copy of any appeal or complaint filed and response.

- Displaced Persons: copies of all notices; delivery receipts; verification of relocation needs, preferences, and eligibility for assistance; demographic data; income documentation; legal residence/citizenship; dwelling specifications; rent and utility costs for comparable units; record of advisory services provided; referrals to comparable replacement dwellings; DSS inspections; moving cost estimates; claim forms; evidence of payment; documentation of hardship claim; purchase documentation for tenants receiving down payment assistance; reasonable accommodations and payment; copy of any appeal or complaint filed and response.

Applicable program regulations specify record retention periods, if more than the customary three years after the latest of:

- 1) Completion of project payments to displaced persons and for property acquisition;
- 2) Project completion (i.e., Certificate of Occupancy date or AIA Substantial Completion (G704));
- 3) Resolution or final action for all litigation, negotiation, audit, or other issues (e.g., civil rights compliance); or
- 4) Final disposition date for real property acquired with HUD funds (24 CFR 84.53 and 85.42).

## *9. Monitoring and Compliance*

GLO monitors its contractors for compliance with the Uniform Act and Section 104(d). Quality Assurance/Quality Control (QA/QC) verifies that the GLO administers programs and expends funds in accordance with contract provisions and applicable State and Federal rules, regulations, policies, and related statutes, including but not limited to the requirements of URA and Section 104(d).